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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,854	12/09/2003	Brian Jones	60001.0300US01/MS305235.1	3527

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EXAMINER

TSUI, WILSON W

ART UNIT PAPER NUMBER

2178

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/730,854	JONES ET AL.	
	Examiner	Art Unit	
	Wilson Tsui	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Detailed Action

1. This action is in response to application filed on December 9, 2003.
2. Claims 1-16 are pending. Claims 1, and 9 are independent claims.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: The reference number 26 for figure 1, reference number 240 for figure 2, reference numbers 335 and 360 for figure 3, 420 and 430 for figure 4, reference numbers 500, 510, 520, 530, 540, and 545 for figure 5, and reference number 600 for figure 6. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-16 are rejected under 35 U.S.C. 102(e) as being unpatentable by Kimoto (US Patent #: 6,792,577 B1, Issued: Sep 14, 2004, Filed: Jun. 20, 2000).

With regards to independent claim 1, Kimoto teaches a method of representing formatting functionality available to an application program for applying to a document comprising:

- *Saving a document as an Extensible Markup Language (XML) representation whereby XML markup is applied to the document to represent text and data objects, properties and attributes* (column 11, lines 35-41: whereas, the broadcast content in Kimoto's system is the document saved in XML, which holds text, data objects, properties and attributes, as described: "image object to be used for that text.."), *including formatting styles applied to the document* (Fig 8, lines 54-61: whereas, style IDs are described in XML for referencing formatting styles used with the document).

- *Enumerating all formatting styles available to the document according to functionality of an application program creating or editing the document* (Fig 8, lines 54-61: whereas, formatting styles are enumerated through the use of Style IDs such that each Style ID is used to reference a style sheet as taught: "style sheet IDs are enumerated " (column 14, line 10)).
- *Setting a default designation or the enumerated formatting styles as locked for use or locked for non-use* (Kimoto, figure 8, column 14, lines 7-10: whereas, a default style designation is set through the STYLESWITCH tag; column 14, lines 50-55: whereas, the stylesheet defining a certain style can be locked for non-use should the user not possess the appropriate "using-right" authentication key because access to the respective style sheet will be denied).
- *For any of the enumerated formatting styles that may be used or that may not be used in contradiction to the default designation for all enumerated formatting styles, designating said any of the enumerated formatting styles as an exception to the default designation* (Kimoto, figure 8, column 14, lines 7-10: whereas, other styles can be chosen apart from the default style as shown in figure 8 and also, since a "plurality of style sheet IDs are enumerated, ... (such that) it is possible for the user to select a desired style sheet among them".
- *Saving data identifying the enumerated formatting styles* (Kimoto, figure 8, column 13, lines 62-63: whereas, the enumerated formatting style IDs are

saved in an XML document) *identifying the default designation, and identifying any exceptions to the default designation to a data structure* (Kimoto, figure 8, column 14, lines 7-10: whereas, a default designation is set in figure 8 as indicated by the defaultStyleSheetID, and other styles can be chosen apart from the default style since a “plurality of style sheet IDs are enumerated, ... (such that) ... it is possible for the user to select a desired style sheet among them” *separate from the document* (Kimoto, abstract, lines 62-66: whereas, each enumerated style is defined in a style sheet, and can be stored separated from the XML file).

With regards to claim 2, which is dependent on claim 1, Kimoto inherently teaches a method for *applying an XML markup to the document representing a count of the enumerated formatting styles* (Figure 8, column 14, lines 7-10: whereas, the style sheet IDs (where each style sheet defines the formatting style for a document) are enumerated iteratively as shown in figure 8, thus, since all styles are represented one by one, a count is represented) *representing the default designation for the enumerated formatting styles* (Kimoto, figure 8, column 14, lines 7-10: whereas, a default style designation is represented through the use of the STYLESWITCH tag as shown in figure 8), *and representing formatting styles that are designated as exceptions to the default designation* (Kimoto, figure 8, column 14, lines 7-10: whereas, a default designation is set in figure 8 as indicated by the defaultStyleSheetID, and other styles are represented by their respective unique enumerated IDs such that they can be

chosen apart from the default style as taught: a “plurality of style sheet IDs are enumerated, ... (such that) ... it is possible for the user to select a desired style sheet among them”).

With regards to claim 3, which is dependent on claim 2, Kimoto teaches *XML markup to the document representing a pointer to the data structure* (Kimoto, column 12, lines 36-41: whereas, an XSL processor receives a parsed document object from the XML parser along with the location/pointer information to an external data structure (style sheet) as referenced in the XML markup).

With regards to claim 4, which is dependent on claim 3, Kimoto teaches:

- *Opening the document by a subsequent consuming application* (column 12, lines 35-51: whereas, an XML parser and an XSL processor are used to process the document, such that its contents are opened for display as taught: “according to a document conversion process by the XSL processor ... it is possible to convert a document ... to display it” (column 12, lines 60-64)).
- *Parsing the document for XML markup representing a count of the enumerated formatting styles, representing the default designation for the enumerated formatting styles, and representing formatting styles that are designated as exceptions to the default designation* (column 12, lines 35-37: whereas: “the document body is parsed by a syntax analysis program called an “XML parser”, and the appropriate formatting styles are selected based on the XML markup as

taught: "... the style ID is fetched from the CONTENTS tag and the USESTYLE tag in the XML document" (column 16, lines 10-13)).

- *Parsing the document for a pointer to the data structure for determining formatting styles enumerated for the document* (column 12, lines 35-37: whereas, " the document body is parsed by a syntax analysis program called an "XML parser", and furthermore "based on the style ID described in the XML document, the receiving system obtains the .. style sheet" (column 16, lines 24-28)).

With regards to claim 5, which is dependent on claim 4, Kimoko inherently teaches *determining the default designation for the enumerated formatting styles* (column 16, lines 17-20: whereas, Kimoko uses an authentication system before selecting a style sheet for applying specific formatting styles. Should the system fail to authenticate the user, "a blank style sheet is used" as default, and thus, since Kimoko's system knows to reference the default blank style sheet, the default designation has been determined.)

With regards to claim 6, which is dependent on claim 5, Kimoko teaches *determining whether any exceptions to the default designation are designated for the document* (column 15, lines 17-28: whereas, should the authentication system properly authenticate a user, the appropriate style sheet is referenced, and the default is not used.)

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With regards to claim 7, *if a desired formatting style is available for use, instantiating the formatting style by the consuming application according to the formatting functionality available to the consuming application associated with the desired formatting style* (column 16, lines 29-31: whereas, the consuming application uses the obtained style sheet (which describes the formatting style) and the XML document through an XSL processor so the formatting style can be instantiated).

With regards to independent claim 9, performing the same method as described in claim 1, is rejected under the same rationale.

With regards to claim 10, performing the same method as described in claim 2, is rejected under the same rationale.

With regards to claim 11, performing the same method as described in claim 3, is rejected under the same rationale.

With regards to claim 12, performing the same method as described in claim 4, is rejected under the same rationale.

With regards to claim 13, performing the same method as described in claim 5, is rejected under the same rationale.

With regards to claim 14, performing the same method as described in claim 6, is rejected under the same rationale.

With regards to claim 15, performing the same method as described in claim 7, is rejected under the same rationale.

With regards to claim 16, performing the same method as described in claim 8, is rejected under the same rationale.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Breuer et al. (US Patent #: 6,697,999 B1): This patent teaches application of formatting rules, layout-rule filtering for parts of a document, and methods for accepting or rejecting formatting rules.
- Oak (US Patent #: 6,954,895 B1): This patent teaches the benefits of object data referenced separately from a file containing an instance of the object.
- Meyer (October 20, 2002, ACM): This publication teaches creating validated XML documents using Microsoft Word via a plug-in application. The application uses formatting rules, dynamic XML DOM tree, saving and opening XML file, along with style information stored in a separate file.

- Totham et al. (US Application: 2002/0194070 A1): This application teaches the use of locking styles such as font size, bold, italics, formatting.
- Hayes et al. (US Patent #: 6,882,344 B1): This patent teaches calculating the total count of font types.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wilson Tsui whose telephone number is 571-272-7596. The examiner can normally be reached on M-F from 8am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Wilson Tsui
Examiner
Art Unit 2178
January 5, 2005

WT. 1/5/06

STEPHEN HONG
PATENT EXAMINER